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## Facsimile Cover Sheet

### MEDTRONIC LAW DEPARTMENT - CONFIDENTIAL

**Attention:** Centralized Fax Number  
**Company:** United States Patent and Trademark Office  
**Telephone:** 703-305-5261  
**Facsimile:** 703-872-9306  
**Application No.:** 10/768,716  
**Filing Date:** January 30, 2004

**From:** Anna M. Nelson, Esq.  
**Telephone:** 763-505-0409  
**Facsimile:** 763-505-0411  
**Our Ref. No.:** P-9902.02US

**Date:** January 18, 2005

**Pages (including cover page):**

**Comments:**

Enclosed are the following documents for filing in the above-identified application:

- ☒ Transmittal Letter
- ☒ Response to Notice of Missing Parts of Nonprovisional Application
- ☒ Executed Declaration
- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application (Part 2)
- ☒ Petition for an Extension of Time
- ☒ Authorization to charge Deposit Account

Anna M. Nelson, Esq.  
Reg. No. 48,935

**NOTICE**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY Jodi Nickel at (763) 505-0184. THANK YOU.

PATENT  
Atty Docket No.: P-9902.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Warren L. Starkebaum      Group Art Unit: 3762  
Application No.: 10/768,716      Examiner: (Not Yet Assigned)  
Filed: January 30, 2004      Due Date:  
For: Gastric Stimulation for Altered perception To Treat Obesity

**CERTIFICATE OF MAILING OR TRANSMISSION** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at 703-872-9306 on January 18, 2004

  
Jodi Nickel

TRANSMITTAL LETTER

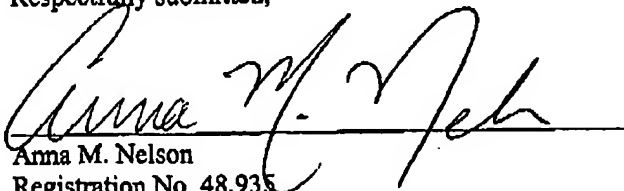
Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the attached:

- ☒ Response to Notice to File Missing Parts of Nonprovisional Application
  - ☒ Copy of Notice to File Missing Parts of Nonprovisional Application - Part 2
  - ☒ \$130.00 Surcharge Fee
- ☒ Executed Combined Declaration and Power of Attorney
  - ☒ Original
  - ☐ Copy from prior application
- ☒ Petition for Extension of Time
  - ☒ \$2160.00-5 month extension Petition Fee
- ☐ Return Postcard
- ☐ Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.
- ☒ The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the surcharge fee and \$770.00 for the filing fee, \$950.00 for additional dependent claims fees, \$200.00 for additional independent claims fees, \$2160.00 for the petition fee, for a total of \$4210.00.

- ☒ Please charge any additional fees or credit any overpayments to Deposit Account No. 13-2546 which may have been overlooked on this Missing Parts Transmittal with regard to this filing. A duplicate of this Transmittal Letter is enclosed.

Respectfully submitted,



Date: January 18, 2004

Anna M. Nelson  
Registration No. 48,935  
MEDTRONIC, INC.  
710 Medtronic Parkway NE, MS: LC340  
Minneapolis, Minnesota 55432-5604  
Telephone: 763-505-0409/ Facsimile: 763-505-0411  
Customer No.: 27581

PATENT  
Atty Docket No.: P-9902.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Warren L. Starkebaum      Group Art Unit: 3762  
Application No.: 10/768,716      Examiner: (Not Yet Assigned)  
Filed: January 30, 2004      Due Date:  
For: Gastric Stimulation for Altered perception To Treat Obesity

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Jodi Nickel

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Responsive to the Notice to File Missing Parts of Nonprovisional Application mailed October 29, 2004, please find enclosed the following documents to complete the filing requirements for the above-identified application:

1. Executed Combined Declaration and Power of Attorney;  
☒ Original  
☐ Copy from prior application
2. Copy of Notice to File Missing Parts of Nonprovisional Application (Part 2);  
☒ \$130.00 surcharge fee;
3. Petition for a 5-month extension of time; and  
☒ \$2160.00 -Petition fee.

☒ The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the surcharge fee and \$770.00 for the filing fee, \$950.00 for additional dependent claims fees, \$200.00 for additional independent claims fees, \$2160.00 for the petition fee, for a total of \$4210.00.

JAN. 18. 2005 2:49PM

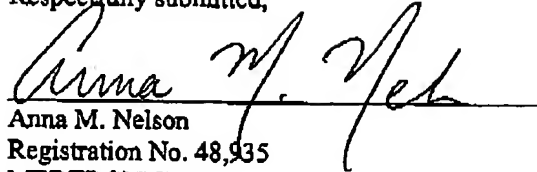
MEDTRONIC LAW DEPT

NO. 2984 P. 5

Application No.: 10/768,716  
Docket No.: P-9902.02

Date: January 18, 2004

Respectfully submitted,



Anna M. Nelson  
Registration No. 48,935  
MEDTRONIC, INC.  
710 Medtronic Parkway NE, MS: LC340  
Minneapolis, Minnesota 55432  
Telephone: 763-505-0409  
Facsimile: 763-505-0411  
Customer No.: 27581



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/768,716	01/30/2004	Warren L. Starkebaum	1023-340US01

27581  
MEDTRONIC, INC.  
710 MEDTRONIC PARKWAY NE  
MS-LC340  
MINNEAPOLIS, MN 55432-5804

CONFIRMATION NO. 5132

## FORMALITIES LETTER



\*OC000000012990744\*

Date Mailed: 06/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$446 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1346 for a Large Entity

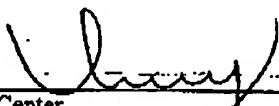
- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$446
  - \$86 for 1 independent claims over 3.
  - \$360 for 20 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE